IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.21376 of 2004

Between:

D.S. Ranga Rao S/o Venkat Rao
R/o Shivapalli, Elegadu Madnal, Karimnagar District

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep by Executive Engineer

(R&B), Division, Nirmal.
2 The Commissioner & Inspector General of Registration & Stamps, NBK

Estate, Musheerabad, Hyderabad
3 The Collector & District Registrar (Under Sec. 41-A of I.S. Act, 1899),

Office of the District Registrar,
Adilabad, Adilabad District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue appropriate Writ, order or direction, particularly a Writ of Mandamus, declaring the 2nd Notice bearing No. G2/LAR/573/2004,
dt 4-10-2004, issued by respondent No.3 herein as illegal, arbitrary and contrary to the provisions of the Indian stamp Act, 1889 and the Indian Registration Act, 1908 and consequently set aside the same.

Counsel for the Petitioner: MR.J.PRABHAKAR

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

As against the order impugned in this writ petition, passed by the 3rd respondent-Collector and District Registrar, it is submitted by the learned Government Pleader for Revenue and admitted to by the learned counsel for the petitioner, that an effective alternative remedy by way of appeal is available before the Chief Controlling Revenue Authority under Section 41-A (3) of the Indian Stamp Act.

In the circumstances, the writ petition is disposed of with the following directions:

The petitioner may avail the effective alternative remedy of appeal available to him against the impugned order passed by the 3rd respondent, before the Chief Controlling Revenue Authority under Section 41-A (3) of the Indian Stamp Act along with interlocutory application to stay further proceedings in pursuance of the impugned order. Till the consideration of the said interlocutory application for stay that may be filed by the petitioner along with the appeal, there shall be interim stay of the impugned order. No costs.

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(N.V. RAMANA, J)

Date: 23.11.2004

Nsr/Asp

To

1 The Executive Engineer (R&B) Division,
Government of Andhra Pradesh, Nirmal.
2 The Commissioner & Inspector General of Registration & Stamps, NBK

Estate, Musheerabad, Hyderabad
3 The Collector & District Registrar (Under Sec. 41-A of I.S. Act, 1899),

Office of the District Registrar,
Adilabad, Adilabad District

4 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

5 Two CD copies.